

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

CASE NO. 14-08633(ESL)

JUAN JOSE MELENDEZ RIVAS

DEBTOR

CHAPTER 13

MOTION FOR DISMISSAL

TO THE HONORABLE COURT:

NOW COMES Scotiabank de Puerto Rico,
(Scotiabank), through counsel, and most
respectfully **STATES** and **PRAYS:**

1. Instant petition was filed on October 21,
2014.
2. On November 18, 2014, appearing party filed
a secured proof of claim which is
incorporated by reference.
3. As of the filing of the Bankruptcy Petition
Debtor was 1 payments of \$465.00 in arrears

with respect to the mentioned note. Total pre-petition arrears \$1,147.65. See Proof of Claim for statement of account.

4. Debtor is now 2 post-petition payments in arrear as of filing of this motion. Total post-petition arrears \$975.18 plus \$25.00 for legal cost. See Unsworn Statement attached.

5. Failure to make post-petition payments constitute cause for dismissal under 11 U.S.C. 1307(4).

6. Dismissal of instant petition is beneficial to creditors and parties in interest.

7. Enclosed Statement under Service Members Act for debtor.

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Within **THIRTY (30) DAYS** after service as evidence by the certification, and an additional **THREE (3) DAYS** pursuant to Fed. R. Bank. P. 9006(f)

if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

WHEREFORE it is respectfully requested that this Motion BE GRANTED and that instant matter be dismissed, for the benefit of Movant awarding \$25.00 in cost, with such further relief as is deemed appropriate under the circumstances.

I CERTIFY, that copy of this Notice was sent via first class mail to all creditors and parties in interest, as per enclosed master address list.

In San Juan, Puerto Rico, this _____ day of July 2017.

*WVS LAW LLC
17 Mexico St., Suite D-1
San Juan, PR 00917-2202
Tel: 787-756-5730
Fax: 787-764-0340
Email: wvslawllc@gmail.com
By: *S/Wallace Vazquez Sanabria*
Wallace Vazquez Sanabria-125101*

BUFETE: WVS LAW LLC (LCDO WALLACE VAZQUEZ SANABRIA)

**UNSWORN STATEMENT
UNDER PENALTY OF PERJURY**

The undersigned hereby certifies the following under penalty of perjury:

Debtor(s): JUAN J MELENDEZ RIVAS

Loan No.: 000009101327

Bankruptcy No.: 14-08633

Post-petition arrears:	(2)	months at	\$465.00	=	\$930.00
	(2)	L/C	\$22.59	=	\$45.18

Current principal: \$70,662.27

Name:  _____
Legal Division

Date: July 18, 2017 _____



**Status Report
 Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-4291

Birth Date:

Last Name: MELENDEZ RIVAS

First Name: JUAN

Middle Name: JOSE

Active Duty Status As Of: Jul-19-2017

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Somento

Department of Defense - Manpower Data Center
 4800 Mark Center Drive, Suite 04E25
 Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q33) via this URL: <https://scra.dmdc.osd.mil/faq.xhtml#Q33>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: FCS1A20DM56C1F0

Label Matrix for local noticing
0104-3
Case 14-08633-ESL13
District of Puerto Rico
Old San Juan
Wed Jul 19 11:55:26 AST 2017

COOP A/C CIDRENA
PO BOX 1490
CIDRA, PR 00739-1490

FIRSTBANK PR
PO BOX 9146
SAN JUAN, PR 00908-0146

SCOTIABANK PR
MORTGAGE DIVISION
PO BOX 362394
SAN JUAN, PR 00936-2394

SCOTIABANK DE PUERTO RICO
c/o WVS LAW LLC
17 MEXICO STREET, SUITE D-1
SAN JUAN, PR 00917-2202

US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

American InfoSource LP as agent for
T Mobile/T-Mobile USA Inc
PO Box 248848
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COOP CIDREA
CALLE BARCELO ESQ
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EASTERN AMERICA INSURANCE CO
PO BOX 9023862
SAN JUAN PR 00902-3862

EMP. BERRIOS FINANCIERA
PO BOX 674
CIDRA, PR 00739-0674

ENHANCED RECOVERY CO L
DISH NETWORK
8014 BAYBERRY RD
JACKSONVILLE, FL 32256-7412

FIRST BANK
CONSUMER SERVICE CENTER
BANKRUPTCY DIVISION - CODE 248
PO BOX 9146, SAN JUAN PR 00908-0146

MUEBLERIA LA CIDRENA
URB FERNANDEZ
2 CALLE CRUZ HADDOCK
CIDRA PR 00739

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ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS CHAPTER 13 TRUS
PO BOX 9024062
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JUAN JOSE MELENDEZ RIVAS
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CIDRA, PR 00739-8874

MIRIAM A MURPHY
MIRIAM A MURPHY & ASSOCIATES
PO BOX 372519
CAYEY, PR 00737-2519

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

T MOBILE
12920 SE 38TH STREET
BELLEVUE, WA 98006

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) SCOTIABANK DE PUERTO RICO
c/o WVS LAW LLC
17 MEXICO ST, SUITE D-1,
SAN JUAN, PR 00917-2202

End of Label Matrix
Mailable recipients 19
Bypassed recipients 1
Total 20